

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MORROW

JONATHAN TALLMAN, an individual,

Plaintiff,

v.

MICHAELA MILLER, an individual,

Defendant.

Case No. 23CV38118

COMPLAINT FOR DAMAGES

Fee Authority: ORS 21.160(1)(c)

JURY TRIAL REQUESTED

**CLAIM NOT SUBJECT TO  
MANDATORY ARBITRATION**

Plaintiff Jonathan Tallman hereby complains against Defendant Michaela Miller as follows:

**THE PARTIES**

1.

Plaintiff Jonathan Tallman is an individual residing and doing business in Morrow County, Oregon.

2.

Defendant Michaela Miller is an individual residing in Morrow County, Oregon.

**JURISDICTION AND VENUE**

3.

All parties reside in Morrow County and all events giving rise to this Complaint occurred in Morrow County. Accordingly, this Court has jurisdiction over this matter and venue is proper in this Court.

**GENERAL ALLEGATIONS**

4.

Jonathan Tallman lives in Boardman, Oregon, a small city along the Columbia River. In Boardman, there is no anonymity. Everyone knows each other, and a person's reputation matters.

5.

Mr. Tallman also owns a coffee shop in Boardman called The Farmer's Cup. Much of his business comes from the Boardman community.

6.

For reasons unknown, a group of Boardman residents have made it their personal mission to destroy Mr. Tallman's reputation.

7.

On August 25, 2023, an individual named Frankie Nuñez Lezama post a five-page police report to a Facebook group entitled, "the New Boardman community," and to his personal Facebook page. The police report indicates that the Boardman Police Department was investigating allegations that, among other things, Mr. Tallman had touched a young female employee's shoulders and backside, threw ice down her shirt, and told her she looked pretty. The post was made available to any member of the public.

8.

Ms. Miller shared the Mr. Nuñez's post to her personal Facebook page on August 26, 2023. The post was accompanied by a lengthy caption:

I hope my story will be used to make a difference in the protection of the children in Boardman

So here's the truth

I was 16 when this police report was made  
 To young to understand What i was experiencing was building blocks to an agenda  
 To young to know where to set boundaries and when to speak up  
 For the past 4 years I watched from behind the screen as a vague description of my story has been told on social media, Used to protect our city and its children from a man who I once considered a family friend,  
 Someone who used to play catch with me in his parents back yard, give me a ride

1 to practice, teach me how to drive, come to my sports games, drop off strawberry  
 2 lemonade at my house, and so much more, But what was a 40 year old man doing  
 3 creating a fun loving space for a 13-16 year old girl  
 4 Something I wish I would have asked myself sooner  
 5 gratefully I was lucky enough to have been surrounded by friends and coaches who  
 6 started to pick up on the sexual and controlling behaviors this man was using  
 7 towards me, where it could have gone I don't even want to try to imagine

8 As an adult now I look back more on my situation and it breaks my heart I was to  
 9 naïve to realize what was going on, there was a lot of stuff that I was to embarrassed  
 10 to say to the police and I wish I could go back protect my self and my friends,  
 11 unfortunately I can't

12 But my story can make a difference in protecting the children now

13 This is not the first time this man has tried to receive a position where he would be  
 14 given the opportunity to work one on one with kids , given the opportunity to create  
 15 a "fun and loving" environment for them, I am also not the only one with a story  
 16 already, and unfortunately I wasn't the last.

17 Publicly announcing this is one of the most terrifying things I have ever posted.  
 18 Putting myself in a position to be called names, accused of being a liar, and for my  
 19 name to be talked amongst the people of Boardman

20 But it is my goal that the city will start to see this man as a Predator  
 21 And use my story to protect others

22 Thank you Nunez family and so many other family's who have been my supporters  
 23 through this journey, I would not have had the confidence to speak up if it wasn't  
 24 for you

25 9.

26 On or about September 1, 2023, Mr. Nuñez posted a portion of a police report from  
 August 5, 2019, to the Facebook group entitled, "Uncensored Boardman community" group. The  
 police report suggests that Mr. Tallman is the subject of a criminal investigation. It also states, in  
 part, that the police officer told Mr. Tallman that his "interactions" with "juvenile females was  
 not appropriate."

10.

Again, Ms. Miller shared Mr. Nuñez's post.

11.

While the police did investigate Ms. Miller's allegations, the police ultimately concluded that the allegations were unfounded. Mr. Tallman was never prosecuted for, much less convicted of, child molestation or any other type of sex crime.

12.

Nonetheless, because of the "allegations, rumors, and information posted online," the Columbia Youth Soccer Club reported Mr. Tallman to the U.S. Center for SafeSport.

13.

Mr. Tallman is now under investigation by the U.S. Center for SafeSport and has been suspended from coaching a local youth soccer team until that investigation concludes.

14.

In addition, Mr. Tallman has seen a decrease in local business at The Farmer's Cup.

15.

Worse still, Mr. Tallman has had a contractor refuse to continue doing business with him based on the unfounded rumors spread by Defendant.

16.

Defendant's statements are provably false and were published to the public at large. Accordingly, Plaintiff is likely to prevail on one or both of his defamation causes of action and his false light cause of action.

17.

Based on Defendant's pattern of behavior, it is likely that she will continue to defame Plaintiff during the pendency of this litigation and afterward.

18.

Plaintiff will suffer irreparable harm in the form of damage to his reputation if Defendant is not enjoined from making additional false statements.

19.

Mr. Tallman sent a cease-and-desist letter to Defendant on August 30, 2023, in an attempt to mitigate the harm caused by Defendant's actions. Defendant has ignored the letter and flatly refused to delete her offending posts or retract her statements. Mr. Tallman is left with no choice but to pursue legal action.

### **FIRST CAUSE OF ACTION**

#### **Defamation**

20.

Plaintiff realleges Paragraphs 1 through 19, inclusive, as though fully set forth below.

21.

Defendant published statements about Plaintiff to members of the public.

22.

The statements published by Defendant were provably false.

30.

As a result of Defendant's publication of provably false statements, Plaintiff has suffered emotional harm, harm to his business, and harm to his reputation. Plaintiff is entitled to monetary damages in an amount to be determined at trial.

### **SECOND CAUSE OF ACTION**

#### **Defamation Per Se**

23.

Plaintiff realleges Paragraphs 1 through 19, inclusive, as though fully set forth below.

24.

Defendant has made statements to the public about Mr. Tallman.

25.

Members of the public who viewed the statements reasonably understood the statements to be about Mr. Tallman.

1 26.

2 Members of the public who viewed the statements reasonably understood the statements  
3 to mean that Mr. Tallman had committed a crime of moral turpitude, namely, child molestation.

4 27.

5 Defendant's statements are false. Mr. Tallman has never molested, assaulted, or abused  
6 any minors.

7 28.

8 Defendant failed to use reasonable care to determine the truth or falsity of her statements.

9 29.

10 As a result of Defendant's publication of false statements, Mr. Tallman has suffered harm  
11 to his business and reputation. He has also experienced extreme emotional distress. Mr. Tallman  
12 is entitled to compensatory damages in an amount to be determined at trial.

### 13 **THIRD CAUSE OF ACTION**

#### 14 **False Light**

15 30.

16 Plaintiff realleges Paragraphs 1 through 19, inclusive, as though fully set forth below.

17 31.

18 Defendant's public posts about Mr. Tallman state or otherwise suggest that he has  
19 molested multiple children and young women. Through these posts, Defendant has given publicity  
20 to a matter that places Mr. Tallman in a false light.

21 32.

22 The false light in which Mr. Tallman has been placed would be highly offensive to a  
23 reasonable person.

24 33.

25 Defendant knew her posts about Mr. Tallman are false or acted in reckless disregard as to  
26 the falsity of the publicized matter.

34.

As a result of Defendant's actions, Mr. Tallman has suffered harm to his business and reputation. He has also experienced extreme emotional distress. Mr. Tallman is entitled to compensatory damages in an amount to be determined at trial.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Jonathan Tallman prays for the following relief:

1. For general damages in an amount to be proven at trial, but not less than \$100,000;
2. For special damages in an amount to be proven at trial, but not less than \$100,000;
3. For injunctive relief to remove the false statements and to prevent publication of false and defamatory statements;
4. For costs and disbursements; and
5. For such other and further relief as this Court deems proper.

DATED this 18<sup>th</sup> day of September, 2023.

BUCHALTER, A Professional Corporation

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